prevent unnecessary suits against the Government in regard to *Kandukrishi* lands and the *pattom* thereon, then it was very unjust that the plaintiff should be required to take the sanction of the defendant (Sirkar) for suing the latter. No defendant would accord such sanction. If, on the other hand, the object was to safe-guard the interests of the Government, then also the sanction was needless. For, in suits between two private parties, whatever might be stated in the decrees, it would not and could not bind the Sirkar, as they were no party to the suits. The hardships caused to the ryots by the refusal of sanction and by the grant of sanction after the suit was time-barred were very great. The High Court had ruled in T. L. R. XXII, 1, that the sanction of the Government was not required in suits between two private parties. As there was therefore no necessity or justification for the retention of Section 7 A in the Codee, the Member prayed that it should be expunged.

Dewan's reply.—The Division Peishkars will be asked to report if the provision of the law, referred to, can be cancelled, without any prejudice to the interests of the Government.

23. The necessity for legislation regarding inheritance in the Eazhava community.

Mr. C. Krishnan Vydian (Member, Nominated) said that, among the Eazhavas, there were about 3,00,000 Marumakkathayees, 15,000 Makkathayees and 2,900 people who followed a mixed law of inheritance scattered all over the State. The necessity for a law of inheritance common to all classes of Eazhavas was keenly felt and the absence of such a law was detrimental to the progress and prosperity of the community. Among the Eazhavas, the marriage relationship was more or less akin to that of the Makkathayees. The attachment of the wife towards the husband, her attention to the management of the household and the property of her husband during his absence would all go to show that the Makkathayam law of inheritance would likely be preferred by the community to the Marumakkathayam law. But, on that point, it was necessary to ascertain the concensus of opinion of the community. The Member requested that a Commission might be appointed, similar to the one appointed for the Christians or for the Nanjanad Vellalas, to investigate the question and submit a comprehensive report; or that the S. N. D. P. Yogam at Trivandrum might be authorised to draw up a draft law to regulate the inheritance in the community in accordance with the views of the majority. If that was not feasible, the Nair Regulation might be adapted to suit the needs of the community. The original draft Nair Bill was wide enough to include the Eazhavas within its scope; and if it had been passed in that form, there would have been no occasion for the present cry. He therefore prayed that the Government might be pleased to take early action on any of the lines indicated above. He added that a memorial on the subject had been submitted to the Government by the Eazhava Members of the last Assembly but he regretted to say that nothing came out of it.

Dewan's reply.—Noted.

24. The necessity for providing for the registration of all marriages.

Mr. K. Parameswaran Pillai B. A., B. L. (Member, T. I. C., Trivandrum) said that it would not be denied that marriage was an important event in the life of a man as also of society. If the number of births in a community indicated its growth and prosperity, the number of marriages, which gave rise to births, could not but be an even more important factor. From a social and economic point of view, the number and particulars of marriages taking place in the State from time to time should be watched and noted, and the only means of doing it was by means of registry of all marriages. The Member pointed out that there was no record of marriages in Travancore except among Christians. Marriages were very often questioned in courts of law, especially among the Nairs, Eazhavas and Mahomedans. He would not propose that registration of marriages should be made an essential element for the legal validity of a marriage; but a public record of marriages, kept regularly and in the ordinary course of business, would be very valuable as a means of supplying good and strong evidence, as in the case of births and deaths registers. He therefore pro-

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posed that the record and registration of marriages might be instituted and maintained, in rural areas, by means of an executive order, and, in the towns under the Towns Conservancy and Improvement Regulation, their registration should be made compulsory by embodying a penal provision in the Regulation.

Dewan's reply.—Noted.

25. Certain matters connected with the working of the Jenmi and Kudiyan Regulation (V of 1071) and the need for amending the Regulation.

[The Dewan put it to the Jenmi Members to consider whether it would not be advisable for them to meet and discuss the question, and place the several amendments that might be necessary in the law in the form of a joint memorandum.

Messrs. *Thrivikraman Vasudevan* (Member, Nominated), *Kesavan Vasudevan* (Member, Jenmi, Padmanabhapuram Division), *Vasudevan Damodaran Namburi* (Member, Nominated), *Narayanan Janardanan* (Member, Jenmi, Trivandrum Division) and *Narayanan Kadambar Namburipad* (Member, Jenmi, Kottayam Division) then talked over the matter between themselves, and they said that Mr. S. N. Krishna Iyer, (Member, Nominated), who was their legal adviser, would at once speak on the Jenmi—Kudiyan problem generally, and that they would place their joint memorandum of amendments to the Regulation before the Assembly on a subsequent day.]

Mr. S. N. Krishna Iyer B. A., B. L. (Member, Nominated) treated his subject of 'Examination and analysis of the Jenmi-Kudiyan problem' under the following heads.

(1) *The origin and nature of the Jenmom right.*—There were two theories regarding it. The first was that Parasurama created Kerala by reclamation from the sea, parcelled it out into sixty-four villages, and assigned them as free gifts to the Brahmins whom he brought from the East Coast, to be enjoyed by them and their descendants in perpetuity. The right of each holder over his land was known as his 'Jenm', which technically meant a hereditary right to free-hold lands, not liable to any taxation. The second and the more plausible theory was that Kerala sprang into existence from the bed of the ocean, as the result of a tremendous upheaval of the earth in the most remote period of time, due to convulsions of nature. The newly formed sea-board was colonised by Aryans who, having overflown the table-lands of Central India, had been gradually pressing towards the south. The Brahmins appeared to have been the first settlers and they naturally and rightly claimed absolute proprietorship over the lands in their occupation. One of the above theories must be correct. One point that had gained universal acceptance was the absolute ownership of the Jenmies over their lands. The ownership was complete and extended to everything standing or growing on the soil and to everything underneath it.

(2) *The conditions under which the Jenmies put the Kudiyans in possession of their properties.*—The rights, as they previously existed, of Jenmies and kanom-holders had to be first stated in order to determine in what respects amending legislation was called for and how such legislation affected them. In that connection, it had to be noted that the land tenures in British Malabar and Native Cochin were similar to those in Travancore and that there was a large number of tenants in those countries enjoying properties on *kanapattom*. Observations and opinions regarding the *kanom* tenure in Cochin and Malabar would apply with equal force to the Travancore *kanoms* also. The *kanom* demise had been always held to be a resumable one and the right of redemption was placed beyond the pale of controversy by the writings of eminent enquirers. For over a century and a half, the position had been consistently upheld that the Jenmi had such a right. The Member then quoted the opinions of several eminent gentlemen in support of the view He said that the Cochin Tenancy Commission had also subscribed to the same view. The Commissioners stated in their report that the Jenmi was not merely a farmer of revenue or a co-proprietor of the soil, but had the property in the soil vested exclusively in him and that he had the

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